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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

KATHLEEN M. HANSON.

Case No.: C 07-00515 PJH

34 Plaintiff

**STIPULATION AND REQUEST FOR  
ORDER MODIFYING PRETRIAL  
DEADLINES; ORDER**

25 |

## DENYING REQUEST TO MODIFY PRETRIAL DEADLINES

26 RITE AID CORPORATION,  
27 a Delaware corporation

## DENYING REQUEST TO MODIFY PRETRIAL DEADLINES

28 | Defendant

**STIPULATION AND REQUEST FOR ORDER MODIFYING PRETRIAL DEADLINES; ORDER**

1 Plaintiff Kathleen M. Hanson ("Plaintiff") and defendant Rite Aid  
2 Corporation ("Defendant"), by and through their respective counsel, submit the  
3 following stipulation and request for order modifying the pretrial deadlines in  
4 this case.

5 **RECITALS AND STIPULATION**

6 1. The parties completed written discovery (including requests for  
7 admissions, interrogatories, and requests for documents) and scheduled a joint  
8 trip to Redding, California on February 25 and 26, 2008, for depositions.  
9 Plaintiff's deposition was scheduled for February 25, 2008, and the depositions  
10 of two of Rite Aid's employees were to be taken on February 26, after the  
11 completion of plaintiff's deposition.

12 2. Plaintiff's deposition proceeded on February 25 as planned.  
13 Approximately an hour into the deposition, plaintiff's counsel and plaintiff took  
14 a break. When they returned from the break, plaintiff's counsel reported that  
15 plaintiff was on medication and suggested that the medication might be  
16 affecting her ability to remember things. Defense counsel questioned her in  
17 that regard, and she testified that she felt her medication was impairing her  
18 ability to remember details.

19 3. Defense counsel noted on the record that plaintiff's testimony that  
20 she could not recall things due to her medication posed a problem in terms of  
21 completing the deposition. Plaintiff's counsel agreed. Plaintiff's counsel  
22 suggested that plaintiff needed to be evaluated by a clinician to determine  
23 what, if any, problem her medication presented. Counsel agreed the deposition  
24 should be suspended subject to that evaluation.

25 4. Plaintiff's counsel has represented that plaintiff has been evaluated  
26 by her psychologist, Marie Witt, Ph.D., and that Dr. Witt has indicated that  
27 plaintiff should have recovered sufficiently by April 14, 2008, to enable her to  
28 give an accurate deposition.

5. The parties are attempting to reschedule the depositions for the first available dates in May.

6. The parties have lost more than two months in terms of their ability to complete the crucial depositions in this case due to the foregoing.

7. WHEREFORE, in order to compensate for this lost time, the parties hereby stipulate to and request a modification of the scheduling order, as follows:

	<u>Current Date:</u>	<u>Proposed Modified Date:</u>
Non-expert discovery cut-off:	May 23, 2008	July 23, 2008
Disclosure of Experts:	June 23, 2008	August 23, 2008
Dispositive Motions:	July 23, 2008	September 23, 2008
Expert discovery cutoff:	July 23, 2008	September 23, 2008

8. This is the parties' first request for a schedule modification. The requested modification will not affect the current pretrial conference or trial dates.

## **IT IS SO STIPULATED.**

KELLY, HERLIHY & KLEIN LLP

KELLY, HERLIHY & KLEIN LLP

By Thomas K. Hockel  
Thomas K. Hockel  
Attorneys for Defendant  
RITE AID CORPORATION

Dated: April 21, 2008

PAUL B. MEADOWBROOK, P.C.

By /Paul B. Meadowbrook/  
Paul B. Meadowbrook  
Attorneys for Plaintiff Kathleen  
M. Hanson

## **ORDER**

Having considered the parties' stipulation, and good cause appearing, the Court modifies its scheduling order, as follows:

Non-expert discovery cut-off: May 23, 2008

~~New Date~~

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ENUED

#### Disclosure of Experts:

June 25

### Dispositive Motions:

July 23,

Expert discovery cutoff:

July 23, 2000

**IT IS SO ORDERED.**

Dated:

UNITED STATES DISTRICT JUDGE